

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17801 of 1998

Dated 20-06-2007

Between:

K.Krishna Murthy.

..... PETITIONER

AND

The Govt. of A.P. Endowments Dept., Secretariat, Hyderabad rep.

By its Secretary.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17801 of 1998

ORDER:

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The petitioner, an employee of the third respondent temple, retired from service on reaching the age of superannuation on 30-06-1998. The grievance of the petitioner is that while the Government had issued G.O.Ms.No.201, dated 12-02-1982, wherein the pensionary benefits were extended to employees working in the 8 temples specified therein to be paid from out of the income of the concerned temples, employees of the third respondent temple were not extended the said benefit. Petitioner would make a detailed analysis of the financial position of the third respondent-temple, vis-à-vis the 8 temples, to contend that in the year 1982 when the said Government Order was issued, the income of the third respondent-temple was around Rs.35,00,000/- p.a. and was much more than the 8 temples referred to in G.O.Ms.No.201, dated 12-02-1982 which was approximately, Rs.25,00,000/- p.a. Petitioner would state that, since pension paid to employees is only from the temples' funds, the Government had discriminated against the employees of the third respondent-temple in limiting payment of pensionary benefits only to those 8 temples and to none others.

Learned counsel for the petitioner would submit that the Government had constituted a committee in G.O.R.T.No.201 dated 12-02-1982 to examine various aspects and that the Committee has not submitted its report till date. Learned counsel would also contend that though a representation was submitted on behalf of the employees-union as early as on 11-02-1988, no decision has been taken till date by the Government

with regards payment of pensionary benefits.

Learned Government Pleader for Endowments appearing on behalf of respondents 1 and 2 would seek time to file counter affidavit. Nearly 10 years has elapsed since the filing of the writ petition and at this stage, I see no reason to adjourn hearing of the writ petition to enable the respondents to file their counter affidavit.

In the absence of any counter affidavit being filed, the averments in the writ petition must be accepted as true. Even assuming that the income of the 8 temples referred to in G.O.Ms.No.201, dated 12-02-1982 was, during the relevant time, less than the income of third respondent-temple, the respective financial position of these temples as in 1998, when the petitioner retired from service, is not clear from the affidavit. In any event, as has been in **Union of Inida vs. Tejram**

Parashramji Bombate^[1], these are all matters of policy and this Court would, ordinarily, refrain from interfering with policy decision of the Government involving financial expenditure. In the absence of sufficient details being furnished in the affidavit as to the financial position of these temples in the year 1988, it cannot be said that the employees of the third respondent-temple and the employees of the 8 temples mentioned in G.O.Rt.No.201, dated 12-02-1982 constitute a single class. It is only if this Court, on the material on record, comes to such a conclusion would the further question of persons similarly placed being dissimilarly treated necessitate examination.

Ends of justice would be met if the petitioner is permitted to submit a representation to the respondents and respondents 1 and 2 are directed to examine the same in accordance with law.

Sri O.Manohar Reddy, learned counsel for the petitioner, would submit that the petitioner would submit a representation within four weeks from the date of receipt of a copy of this order. In case

such a representation is filed within four weeks from the date of receipt of the order, respondents 1 and 2 shall consider the same and pass appropriate orders in accordance with law, and communicate its decision to the petitioner within four months from the date of receipt of such representation.

The Writ Petition is accordingly disposed of. However, in the circumstances without costs.

20-06-2007

usd

^[1] AIR 1992 SC 570